

**IN THE CLAIMS:**

The listing of claims below, wherein underlining indicates additions and strikethrough or double bracketing indicates deletions, will replace all prior versions and listings of claims in the application:

1. (cancelled)
2. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said one or more criteria are downloaded to said set-top terminal over said cable network.
3. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said set-top terminal verifies that said data or programming offered as said download is not already resident in said memory.
4. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said set-top terminal verifies that said data or programming offered as said download is specified as being intended for a class of terminals to which said set-top terminal belongs.
5. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said one or more criteria include a time of day.
6. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said one or more criteria include whether said set-top terminal is turned off.

7. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said one or more criteria include a deadline by which acceptance of said download is required by an operator of said cable network, said deadline being a specific point in time subsequent to an initial offering of said download of data or programming.

8. (original) The terminal of claim 7, wherein said set-top terminal defers said deadline if said set-top terminal is being used to provide a dedicated service including recording programming in conjunction with a VCR or providing pay-per-view programming.

9. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said set-top terminal signals said subscriber that said download is available and requests permission to accept said download, said one or more criteria including a positive response by said subscriber to said request for permission to accept said download.

10. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein said set-top terminal tunes to said specified in-band channel to receive said download if said one or more criteria are satisfied.

11. (currently amended) The terminal of claim ~~[[1]]~~ 16, wherein if said one or more criteria are satisfied, said processor erases information in said memory unit and replaces said erased information with data or programming from said download.

12. (currently amended) The terminal of claim [[1]] 16, wherein following said download of programming, said processor will only execute newly-received programming from said download when one or more predetermined criteria are satisfied.

13. (currently amended) The terminal of claim [[1]] 16, wherein, prior to accepting said download, said processor determines whether any programming is stored in said memory which is not being executed, but which is identified as being a later version than programming being executed by said processor at that time; if said processor locates any such later version of programming in memory, said processor will terminate execution of the programming being executed, erase said terminated programming from memory and reset so as to execute said later version of said programming.

14. (currently amended) The terminal of claim [[1]] 16, wherein, when said one or more criteria for accepting said download have been satisfied, said processor will erase from said memory any older, non-executing version of said programming already resident in memory and replace said erased programming with new programming from said download.

15. (currently amended) The terminal of claim [[1]] 16, wherein said memory unit is logically partitioned into two sections, a first section for containing programming being executed by said processor and a second section for receiving and storing programming from said download.

16. (currently amended) ~~The terminal of claim 1,~~ A set-top terminal for connecting a subscriber to a cable network, said terminal comprising:

a processor; and

a memory unit,

wherein the processor monitors an out-of-band control channel of the cable network for information indicating that a download of data or programming is available and indicating a specified in-band channel for receiving the download of data or programming offered to said set-top terminal over said cable network, wherein said processor only accepts said download on said specified in-band channel and records said download in said memory unit when one or more predetermined criteria are satisfied, and wherein said criteria when satisfied indicates that acceptance of said download will cause a minimum of interference with said subscriber's use of said set-top terminal; and

wherein each download of programming contains two versions of a programming object, a first programming object for storage in and execution from a first memory section of said memory unit and a second programming object for storage in and execution from a second memory section, of said memory unit wherein said processor downloads one of said two versions of programming in accordance with whether said first or second memory sections is vacant.

17. (currently amended) The terminal of claim [[1]] 16, wherein said memory unit comprises two separate memory devices, a first memory device for containing programming being executed by said processor and a second memory device for receiving and storing programming from said download.

18-24. (cancelled)

25. (currently amended) The method of claim ~~[[24]]~~ 35, further comprising downloading said one or more criteria to said set-top terminal over said cable network.

26. (currently amended) The method of claim ~~[[24]]~~ 35, further comprising verifying that said data or programming offered as said download is not already resident in said set-top terminal.

27. (currently amended) The method of claim ~~[[24]]~~ 35, wherein said method further comprising verifying whether said one or more predetermined criteria are satisfied.

28. (original) The method of claim 27, wherein said verifying comprises comparing a time of day against a predetermined acceptable time of day for accepting a download.

29. (original) The method of claim 27, wherein said verifying comprises determining whether said set-top terminal is turned off.

30. (currently amended) The method of claim ~~[[24]]~~ 35, further comprising signaling said subscriber that said download is available and requesting permission to accept said download, wherein said one or more criteria include receiving a positive response by said subscriber to said request for permission to accept said download.

31. (currently amended) The method of claim [[24]] 35, further comprising, subsequent to said download of programming, executing newly-received programming from said download only when one or more predetermined criteria are satisfied.

32. (currently amended) The method of claim [[24]] 35, wherein, prior to accepting said download, said method comprises:

determining whether any programming is stored in said memory which is not being executed, but which is identified as being a later version than programming running on said set-top terminal at that time; and,

if any such later version of programming is located in memory, terminating execution of the programming being executed, erasing said terminated programming from memory and resetting said set-top terminal so as to execute said later version of said programming.

33. (currently amended) The method of claim [[24]] 35, wherein, when said one or more criteria for accepting said download have been satisfied, said method further comprises erasing from said memory any older, non-executing version of said programming already resident in memory and replace said erased programming with new programming from said download.

34. (canceled)

35. (original) ~~The method of claim 34,~~ A method for minimizing interruptions to use of a set-top terminal that connects a subscriber to a cable network where

said interruptions result from downloading data or programming to said set-top terminal over said cable network, the method comprising the steps of:

receiving a signal from a headend identifying a specified in-band channel on which said download is available, wherein the received signal is obtained via an out-of-band control channel of the cable network;

accepting said download on said specified in-band channel only when one or more predetermined criteria are satisfied, said criteria when satisfied indicating that acceptance of said download will not interfere with said subscriber's use of said set-top terminal; and

partitioning said memory unit into two memory sections, a first memory section for containing programming being executed by said processor and a second memory section for receiving and storing programming from said download;

wherein each download of programming contains two versions of a programming object, a first programming object for storage in and execution from said first memory section and a second programming object for storage in and execution from said second memory section, wherein said method further comprises selectively downloading one of said two versions of programming in accordance with whether said first or second memory section is vacant.

36-41. (canceled)

42. (currently amended) The terminal of claim [[1]] 16, wherein said programming is received in packets, said terminal being configured to reassemble said packets into an executable object and stored into non-volatile memory.

43-46. (cancelled)